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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/052,772	01/23/2002	Willem Den Boer	8733.214.20	7226

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MCKENNA LONG & ALDRIDGE LLP
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WASHINGTON, DC 20006

EXAMINER

TRINH, MICHAEL MANH

ART UNIT	PAPER NUMBER
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2822

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/10/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/052,772

Applicant(s)

BOER ET AL.

Examiner

Michael Trinh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 8/11/06 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 3/2/07.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

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DETAILED ACTION

*** This office action is in response to Petition Decision granted on 11/13/2006 and Applicant's RCE filed August 11, 2006. Claims were 1-17 canceled. Claims 18-29 are currently pending.

*** The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Objection of Drawings and Specification for New Matter

1. Noted that this present application is a CONTINUATION of the parent application Serial Non. 08/630,984. However, this present application does not have the same drawings and specification as that of the parent application 08/630,984. As can be seen in the parent application 08/630,984, now US patent No. 6,372,534, there is even no structure as shown in Figures 8-11 of this present application 10/052,772. The drawings filed 08/11/2006 and 01/23/02 in this application are objected to because Figures 1-13 in this present application are not corresponding to the same Figure 1-9 of the prior application Serial No. 08/630,984, and because the drawing contains new matter as shown in Figures 8-11. Noted that a copy of the drawings as originally filed must be included in the 37 CFR 1.63 application papers to indicate the original content.

The present specification does not mention and describe the newly added Prior Art Figures 12 and 13. Accordingly, the drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the reference sign not mentioned in the description as shown in Figures 12-13, and objected to as failing to comply with 37 CFR 1.84(p)(5) because they are not do not include the reference signs mentioned in the description.

*A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will **not** be held in abeyance.*

2. The specification is objected as it fails to describe the subject matter as shown in the newly added Figures 12-13.

3. The specification is also objected as it includes new matter of the subject matter as shown in Figures 8-11 and described in the specification at least from page 19 line 17 through page 26. This present application is a CONTINUATION of the parent application Serial No. 08/630,984.

4. The present specification is also objected for containing new matter, since this present application is a CONTINUATION of the parent application Serial No. 08/630,984, but the present specification of the present application is not the same as the specification and drawings as submitted in the parent application serial no 08/630,984, now US Patent No. 6,372,534.

Double Patenting

5. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

6. Claims 18-29 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-12 of U.S. Patent No. 6,372,534 and claims 1-10 of U.S. Patent No. 6,376,270.

Although the conflicting claims are not identical, they are not patentably distinct from each other because they are drawn to the same subject matter for forming a thin film transistor array, whereby the present base claims 18,22 and 26 of this application are broad enough to encompass the scope of claims 1, 5 and 9 of the Patent No. 6,372,534, respectively, and claims 1-10 of Patent no. 6,376,270, and wherein claims 18-29 are respectively anticipated by claims 1-12 of the Patent No. 6,372,534. Employing an organic insulating film or a photo-imageable polyimide insulating film having low dielectric constant for reducing crosstalk in forming a

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liquid crystal display device would have been obvious to ordinary skill in the art, wherein alternatively using a photosensitive polyimide layer or a non-photosensitive polyimide layer is well known in the art.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Response to Amendment

*** Applicant's remarks about drawing and newly added Figures 12-13 are noted. However, Figures 12-13 are not shown in the parent application serial no 08/630,984. Moreover, Figures 8-11 are not shown and described in the parent application o8/630,984.

Since this present application is a CONTINUATION of the parent application Serial No. 08/630,984, the present specification and present drawings should be the same as the parent application, but this present application is not. As described above, the specification and drawings are contained new matter. Applicant is cautioned against by adding new matter into the specification.

** The obviousness-type double patenting rejection is maintained.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael M. Trinh whose telephone number is (571) 272-1847. The examiner can normally be reached on M-F: 9:00 Am to 5:30 Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zandra Smith can be reached on (571) 272-2429. The central fax phone number is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Oacs-



Michael Trinh
Primary Examiner